

JONATHAN D. MCDUGALL
SBN 212359
1640 Laurel Street
San Carlos, CA 94070

Attorney for Defendant
MARC CHRISTOPHER BROCKHAUS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR-17-00040-RS
)	
Plaintiff,)	PROPOSED ORDER AND
)	STIPULATION TO CONTINUE AND
v.)	EXCLUDE TIME FROM THE SPEEDY TRIAL
)	ACT CALCULATION
MARC CHRISTOPHER BROCKHAUS,)	
)	
Defendant.)	

With the agreement of the parties, and with the consent of the defendant, the Court enters this order vacating the currently scheduled status conference on Tuesday, May 2, 2017, and orders the matter re-set on Tuesday, May 9, 2017 at 2:30 p.m. for a change of plea or trial setting, and confirms the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from May 2, 2017 to May 9, 2017. The parties agree, and the Court finds and holds, as follows:

1. The parties have been in discussion about a resolution in this matter. The defendant needs to conduct a forensic review of the computer evidence in the case. The review was delayed by the unexpected illness of the Government's forensic lab expert. The parties believe that a short continuance is warranted to allow the defense to properly review the forensic evidence and thereby finalize a plea agreement. Therefore, the parties respectfully request that the Court vacate the currently scheduled status date of Tuesday, May 2, 2017, and re-set the matter for Tuesday, May 9, 2017, at 2:30 p.m. for a change of plea or trial setting.

2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into account the

1 exercise of due diligence.

2 3. The Court finds that, taking into the account the public interest in the prompt disposition of
3 criminal cases, these grounds are good cause for excluding time. Given these circumstances, the Court
4 finds that the ends of justice served by excluding the period from May 2, 2017 through and including
5 May 9, 2017, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. §
6 3161(h)(8)(A).

7 4. Accordingly, and with the consent of the defendant, the Court ORDERS THAT:

8 (1) the currently-scheduled status date of May 2, 2017 shall be vacated;

9 (2) the matter shall be re-set for May 9, 2017, at 2:30 p.m. for a change of plea or trial
10 setting; and

11 (3) the period from May 2, 2017 through and including May 9, 2017, shall be excluded
12 from the Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A).

13 IT IS SO STIPULATED.

14
15 DATED: April 30, 2017

16
17 
JONATHAN MCDOUGALL
Counsel for the Defendant


18
19 DATED: April 30, 2017

BRIAN J. STRETCH
United States Attorney

20
21 /s/
22 MICHAEL MAFFEI
KAREN KREUZKAMP
23 Assistant United States Attorney

24 IT IS SO ORDERED.

25
26 DATED: 5/1/17

27 
28 HON. RICHARD SEEBORG
United States District Judge

Attestation of Filer

In addition to myself, the other signatory to this document is AUSA Karen Kreuzcamp or AUSA Michael Maffei. I attest that I have his permission to enter a conformed signature on his behalf and to file the document.

Dated: April 20, 2017


JONATHAN D. MCDOUGALL
Attorney for Defendant
Marc Brockhaus